# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

Ashley Love, : Civil Action No.: 4:20-cv-1041

Plaintiff,

v.

follows:

Alpha Recovery Corp., COMPLAINT

Defendant.

For this Complaint, the Plaintiff, Ashley Love, by undersigned counsel, states as

### **JURISDICTION**

- 1. This action arises out of the Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA") in their illegal efforts to collect a consumer debt.
  - 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
- 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

#### **PARTIES**

- 4. The Plaintiff, Ashley Love ("Plaintiff"), is an adult individual residing in Euless, Texas, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
- 5. Defendant Alpha Recovery Corp. ("Alpha"), is a Colorado business entity with an address of 6912 S Quentin Street, Suite 10, Centennial, Colorado 80112, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

### ALLEGATIONS APPLICABLE TO ALL COUNTS

#### A. The Debt

- 6. The Plaintiff allegedly incurred a financial obligation (the "Debt") to an original creditor (the "Creditor").
- 7. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a "debt" under 15 U.S.C. § 1692a(5).
- 8. The Debt was purchased, assigned or transferred to Alpha for collection, or Alpha was employed by the Creditor to collect the Debt.
- 9. The Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. § 1692a(2).

# B. Alpha Engages in Harassment and Abusive Tactics

- 10. In or around September 2014, Plaintiff and Alpha agreed to a payment plan and Plaintiff has been paying \$109.95 monthly, as agreed.
- 11. On or about July 7, 2020, Alpha called Plaintiff and said that the Creditor wanted to settle the Debt for \$9,298.63, and told Plaintiff to take out a loan with One Main Financial.
- 12. Plaintiff contacted One Main Financial to inquire about a loan and was told that One Main Financial did not handle such loans.
- 13. On or about July 10, 2020, Plaintiff informed Alpha that One Main Financial would not give her a loan. In response, Alpha Called Plaintiff a liar.
- 14. Alpha tried to pressure Plaintiff to take out a loan to pay the Debt in full when Plaintiff was making the agreed upon monthly payments timely.
- 15. Alpha's actions caused Plaintiff a significant amount of frustration, confusion and anxiety.

# C. Plaintiff Suffered Actual Damages

- 16. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendant's unlawful conduct.
- 17. As a direct consequence of the Defendant's acts, practices and conduct, the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

# COUNT I

## VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.

- 18. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 19. The Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- 20. The Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant used false, deceptive, or misleading representation or means in connection with the collection of a debt.
- 21. The Defendant's conduct violated 15 U.S.C. § 1692e(10) in that Defendant employed false and deceptive means to collect a debt.
- 22. The Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect a debt.
- 23. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.
  - 24. The Plaintiff is entitled to damages as a result of Defendant's violations.

# **COUNT II**

# VIOLATIONS OF THE TEXAS DEBT COLLECTION ACT TEX. FIN. CODE ANN. § 392, et al.

- 25. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
  - 26. The Plaintiff is a "consumer" as defined by Tex. Fin. Code Ann. § 392.001(1).
- 27. The Defendant is a "debt collector" and a "third party debt collector" as defined by Tex. Fin. Code Ann. § 392.001(6) and (7).
- 28. The Defendant used abusive and profane language when speaking with the Plaintiff, in violation of Tex. Fin. Code Ann. § 392.302(1).
- 29. The Plaintiff is entitled to injunctive relief and actual damages pursuant to Tex. Fin. Code Ann. § 392.403(a)(1) and (2) and to remedies under Tex. Bus. & Comm. Code § 17.62 pursuant to Tex. Fin. Code Ann. § 392.404(a).

## **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against the Defendant:

- 1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the Defendant;
- 2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against the Defendant;
- 3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.§ 1692k(a)(3) against the Defendant;
- 4. Injunctive relief pursuant to Tex. Fin. Code Ann. § 392.403(a)(1);
- 5. Actual damages pursuant to Tex. Fin. Code Ann. § 392.403(a)(2);
- 6. Remedies under Tex. Bus. & Comm. Code § 17.62 pursuant to Tex. Fin.

Code Ann. § 392.404(a);

- 7. Actual damages from the Defendant for the all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations and intentional, reckless, and/or negligent invasions of privacy in an amount to be determined at trial for the Plaintiff;
- 8. Punitive damages; and
- 9. Such other and further relief as may be just and proper.

## TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: September 21, 2020

Respectfully submitted,

By /s/ Jody B. Burton

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